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*Attorneys for Plaintiff and Counter-defendant  
Epic Games, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**EPIC GAMES, INC.'S WITNESS LIST  
FOR EVIDENTIARY HEARING ON  
MOTION TO ENFORCE INJUNCTION**

Hearing Date: May 8, 2024

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

Plaintiff and Counter-defendant Epic Games, Inc. (“Epic”) respectfully submits this witness list pursuant to the Order Setting Evidentiary Hearing entered by the Court on April 23, 2024 (ECF No. 925). Epic reserves the right to supplement or amend this list for good cause or in response to Apple Inc.’s (“Apple”) witness list and other pre-hearing disclosures.

<u><b>Witness Name</b></u>	<u><b>Party Affiliation</b></u>	<u><b>Anticipated Evidence</b></u>
Ned S. Barnes	Epic (Expert Witness)	Response to claims made by Apple regarding profitability of, and accounting related to, the Apple App Store; costs for payment processing and related services; topics discussed in the Barnes Declaration dated April 22, 2024; topics identified by Apple.
Matthew Fischer	Apple	The External Link entitlement program and related requirements, technical or otherwise; Section 3.1.3 of the Guidelines; out-of-app communications between developers and users; Apple’s actions purportedly taken to comply with the terms of the Injunction; topics discussed in the Fischer Declaration dated January 16, 2024; topics identified by Apple.
Alex Roman	Apple	Claims made by Apple regarding profitability of, and accounting related to, the Apple App Store; Apple’s design of the revised commission structure; the presentation of such structure to the Price Committee; Apple’s engagement with Analysis Group; Apple’s actions purportedly taken to comply with the terms of the Injunction; costs for payment processing and related services; topics discussed in the Roman Declaration dated April 12, 2024; topics identified by Apple.
Alec Shobin	Epic	The effect of Apple’s purported compliance plan on developers wishing to communicate out-of-app payment options to users; the limited utility of out-of-app communications between developers and users; how Epic would use in-app steering mechanisms if Apple complied with the Injunction; topics identified by Apple.
Benjamin Simon	Third Party (Down Dog)	The effect of Apple’s purported compliance plan on developers wishing to communicate out-of-app payment options to users; the limited utility of out-of-app communications between developers and users; Down Dog’s prior use of in-app steering mechanisms; how Down Dog would use in-app steering mechanisms if Apple complied with the Injunction; topics discussed in the Simon Declaration dated March 12, 2024; topics identified by Apple.

<u>Witness Name</u>	<u>Party Affiliation</u>	<u>Anticipated Evidence</u>
Any Witness Identified by Apple		Topics identified by Apple.

Dated: April 30, 2024

Respectfully submitted,

By: /s/ Gary A. Bornstein

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